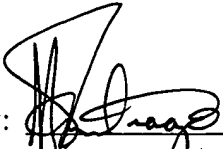


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By: 
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In the Application of: Rogers et al.

Serial No. 10/052,077

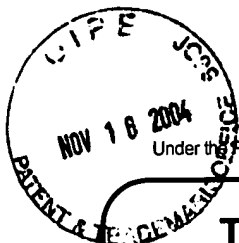
Filing Date: January 17, 2002

For: Passive Flow Control Devices for Implantable Pumps

- (X) Transmittal Form (1 page) in duplicate
- (X) Response to Office Action Mailed September 8, 2004 (15 pages)
- (X) Return Receipt Postcard

Attorney Docket No: 11738.00052





11-17-04

11-17-04 3763

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | |
|---|------------------------|-------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/052,077 |
| | Filing Date | January 17, 2002 |
| | First Named Inventor | Rogers |
| | Art Unit | 3763 |
| | Examiner Name | Sirmons. Kevin C. |
| Total Number of Pages in This Submission | Attorney Docket Number | 011738.00052 |

ENCLOSURES (check all that apply)

| | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
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Remarks

Being filed via Express Mail No.: EV378040408US

The Commissioner is hereby authorized to charge any deficiencies in payment or credit any overpayment to our Deposit Account 19-0733.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--------------------|
| Firm or Individual name | Scott A. Burow |
| Signature | <i>Scott Burow</i> |
| Date | November 16, 2004 |

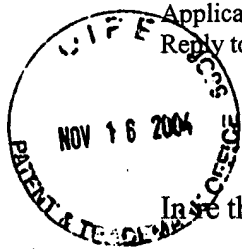
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No.: 10/052,077
Reply to Office Action mailed September 8, 2004.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Rogers et al.

Serial No.: 10/052,077

Filed: January 17, 2002

For: Passive Flow Control Devices For
Implantable Pumps

Atty. Docket No.: 011738.00052

Group Art Unit: 3763

Examiner: Sirmons, Kevin C.

Confirmation No.: 2977

RESPONSE TO NON-FINAL OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This paper is responsive to the non-final Office Action mailed September 8, 2004. The Office Action set a three-month deadline for responding, making this paper due on or before **December 8, 2004**. Reconsideration in light of the following is respectfully requested.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 10 of this paper.